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 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/840,038	05/06/2004	John S. Adams	302961 Adams/Chen

Pillsbury Winthrop LLP
 Intellectual Property Group
 725 South Figueroa Street, Suite 2800
 Los Angeles, CA 90017-5406

CONFIRMATION NO. 7931

FORMALITIES LETTER



OC000000013155265

Date Mailed: 07/06/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/24/2004 YPOLITE1 00000026 10840038

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 DP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of

a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
81476-302961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)

John S. ADAMS et al.)

Serial No: 10/840,038)

Filed: May 6, 2004)

For: *INTRACELLULAR ESTRADIOL BINDING*)
PROTEIN, A POLYNUCLEOTIDE ENCODING)
THE SAME AND CELL LINES)
OVEREXPRESSING THE SAME)

Art Unit: 1646
Examiner: Unassigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

August 19, 2004
Date of Deposit

Seth D. Levy
Name

 8/19/04
Signature Date

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the "Notice to File Missing Parts of Non-Provisional Application, Filing Date Granted" ("Notice"), dated July 6, 2004, response to which is due September 6, 2004, enclosed are the following:

X A copy of the "Notice to File Missing Parts of Non-Provisional Application Filing Date Granted;"

- X A check in the amount of \$65.00 in payment of the late filing fee;
- X A "Declaration" executed by inventors John S. Adams and Hong Chen;
- X An "Assignment" document executed by inventors John S. Adams and Hong Chen, along with an Assignment Recordation Cover Sheet;
- X A check in the amount of \$40.00 in payment of the assignment recordation fee;
- X An executed "Power of Attorney by Assignee;" and
- X A "Preliminary Amendment" to address the typographical error in applicants' specification that resulted in a finding of "omitted items" in the Notice.

The Commissioner is authorized to charge any additional amounts due in connection with this matter to our Deposit Account No. 16-1805.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: August 19, 2004

By: _____


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Attorney for Applicant(s)

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